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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GUS REDDING,

Plaintiff,

vs.

SOC, LLC

Defendant.

Case No.: 2:19-cv-00412-JCM-EJY

**STIPULATION AND ORDER**

Plaintiff Gus Redding (“Plaintiff”) and Defendant SOC, LLC (“Defendant”), hereby stipulate and agree as follows:

1. On July 15, 2020, the Court entered the Order on Defendant’s Motion to Compel Discovery, for Fees and Costs, and Motion to Extend Discovery (Second Request) (ECF No. 38) (“Order”). ECF No. 55.

a. In the Order, the Court ordered, among other things, that Defendant subpoena AT&T for documents consistent with Defendant’s Request for Production Nos. 4 and 5. The Court further set forth a procedure for the parties to handle the production of non-privileged information responsive to the subpoena along with a timeline for production.

b. On August 13, 2020, AT&T responded to Defendant’s subpoena and indicated the content of the requested text messages are not available.

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c. In compliance with the Order, Defendant transmitted the documents received from AT&T to Plaintiff's counsel on August 13, 2020.

2. On August 3, 2020, Plaintiff filed his Motion for Sanctions (ECF No. 56) claiming Defendant engaged in spoliation of evidence because a former manager of Defendant, Scott Ragsdel, recently testified in deposition that he deleted his text messages each day while employed with Defendant including text messages that may have been related to Plaintiff's employment.

3. In light of AT&T's inability to provide any of the requested text messages and Plaintiff's pending Motion for Sanctions, the parties have conferred and agree to resolve both issues in this lawsuit as follows:

a. Plaintiff agrees to withdraw his Motion for Sanctions (ECF No. 56) and will not pursue any text messages from Defendant's witnesses or employees.

b. Defendant agrees not to further pursue text messages responsive to Request Nos. 4 and 5 to Defendant's Request for Production from Plaintiff and Jennifer Glover. Defendant further agrees not to file a motion for spoliation sanctions against Plaintiff related to those text messages.

4. It is hereby stipulated and agreed that upon the Court's entry of this Order:

a. Plaintiff's Motion for Sanctions (ECF No. 56) should be considered withdrawn pursuant to this stipulation.

b. The parties are deemed to be in compliance with the Court's Order as it relates to the subpoena to AT&T and the production of text messages responsive to Defendant's Request for Production Nos. 4 and 5. They are not required to comply with any further procedures set

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1 forth in the Order related to the production of non-privileged information responsive to Request  
2 Nos. 4 and 5.

3 Dated this 24th day of August 2020

Dated this 24th day of August 2020.

4 LEWIS ROCA ROTHGERBER CHRISTIE ELLWANGER LAW LLLP  
5 LLP

6  
7 BY: /s/ Jennifer K. Hostetler

BY: /s/ Jay D. Ellwanger

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17 **ORDER**

18 IT IS SO ORDERED:

19   
20 UNITED STATES MAGISTRATE JUDGE

21 Dated: August 24, 2020  
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**Lewis Roca**  
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